

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Abertawe Bro Morgannwg University NHS Trust

Morrison Hospital
Morrison
Swansea
SA6 6NL


I, Mr Calum Campbell, acting Chief Executive of Abertawe Bro Morgannwg University NHS Trust, Morrison Hospital, Morrison, Swansea, SA6 6NL, for and on behalf of the Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:


1. Abertawe Bro Morgannwg University NHS Trust is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by the Trust and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "Commissioner") was provided with a report from Mr Campbell acting on behalf of the data controller, regarding the theft of a laptop computer which contained the personal data of patients of the data controller, including some data relating to the health of those patients ("sensitive personal data" as defined by the Act). It is believed that the laptop was stolen by an opportunistic thief when the office in which the laptop resided was not locked as normal. The laptop computer contained the personal data of approximately 5,000 patients and was not encrypted.
3. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part 1 of the Act.
4. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:-

The data controller shall, as from the date of this undertaking and for so long as similar standards are required by the Act or other successor legislation or from other data controllers in similar circumstances, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Schedule 1 Part 1 of the Act, and in particular that:

- (1) Portable and mobile devices including laptops and other portable media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent;
- (2) The data controller shall implement such other security measures it deems appropriate to ensure that personal data is protected against unauthorised and unlawful process, accidental loss, destruction, and/or damage.

Dated..... 14/1/09

Signed. 
Calum Campbell
Acting Chief Executive
Abertawe Bro Morgannwg University NHS Trust

Signed. 
Mick Gorrill
Assistant Commissioner Regulatory Action Division
For and on behalf of the Information Commissioner